



**Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes**

January 14, 2014

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

- I. **Call to Order / Roll Call** - Commission Chair Kathie Lattin called the meeting to order at 5:15 PM. Commissioners Ron Maez and Cameron Parker were present. Also present were Town staff members Town Manager David Mitchem, Planning Director James Dickhoff, Permit Tech/Associate Planner Margaret Gallegos. Commissioners Peter Adams, Heidi Martinez, Natalie Woodruff and Cappy White were absent.
- II. **Announcements** None.
- III. **Approval of Minutes**
 - A. December 10, 2013 Planning Commission meeting minutes were approved as presented.
- IV. **Public Comment**
 - A. Opportunity for the public to provide comments and to address the Commission on items not on the agenda – none received.
- V. **Board of Adjustments** None.
- VI. **Planning Commission**
 - A. **Annual Election of Planning Commission Chair and Co-Chair:** The Land Use and Development Code (LUDC) Section 2.5.6.A.1: Election of Chairperson and Vice Chairperson specifies that "Annually, at the first regular meeting of the year, each board and commission shall elect, by majority vote, from its membership a Chairman and Vice-Chairman, with each being eligible for re-election, and each serving a one- year term in such capacity.

The Chairman of each board or commission shall preside at all meetings and public hearings of such board or commission and shall decide all points of order and procedure. The Vice-Chairman shall assume the duties of the Chairman in the absence of the Chairman and shall act in the capacity of Chairman of all special committees created by the board or commission. Should the Vice-Chairman and the Chairman be absent from a meeting or public hearing, the majority of the board or commission shall appoint a member to be the presiding officer. Any vacancy from the position of Chairman or Vice Chairman shall be filled in the same manner as such positions are established. The Chairman shall transmit reports and recommendations to the Town Council. In the case of the Planning Commission, the Chairman shall also certify plans and plats."

Motion made by Commissioner Maez, seconded by Commissioner Parker, and unanimously carried to nominate and appoint Member Lattin as the Planning Commission Chair Person.

Motion made by Commissioner Lattin, seconded by Commissioner Parker, and unanimously carried to nominate and appoint Member Maez as the Vice Chair Person.

**Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes**

January 14, 2014

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B. Schedule Time, Date, and Place of Regular Town Planning Commission Meetings for 2014: LUDC section 2.5.6.A.2: Establishment of Meeting Schedule outlines that "Each board and commission shall also establish a meeting schedule that meets frequently and regularly. All meetings shall be open to the public, and the agenda for each meeting shall be made available in advance. In lieu of a meeting schedule, the Board of Adjustment must convene a meeting within 45 days of receipt by the Director of a completed variance or appeal application." The Commission discussed the best day and time to meet monthly for the current Board members.

Motion made by Commissioner Maez, seconded by Commissioner Parker, and unanimously carried set the regular Town Planning Commission meetings for the Second and the Fourth Tuesday of each month to be conducted in the Town Hall Council Chambers located at 551 Hot Springs Boulevard, Pagosa Springs, Colorado, with the time change from 5:15 at 5:30 PM.

C. Sawmill Place Preliminary Plan Approval Extension Request: The applicant, Andrew Schlaefli of the Sawmill Place Development, requested a one year extension for the Preliminary PUD Plan previously approved by Town Council (TC) on November 5, 2008. The TC approved four one-year extension requests on January 21, 2010, January 4, 2011, January 19, 2012, and December 20, 2012, extending the Sawmill Place Preliminary PUD Plan until January 19, 2013. The extension request was continued by the Commission from the last regular meeting held on December 10, 2013 to allow for additional discussion and background research into the Highway 160 access and frontage road issues before making a recommendation to the Council.

Staff provided copies of corresponding meeting minutes regarding the original Sawmill Place (formally called Bear Country Center) development approval and the many discussions conducted that regarded the access to the development. As a special note, the Final Preliminary Development Plan approval from Town Council on November 5, 2008 and December 2, 2008, reflected approving the project with only the CDOT permitted right-in/right-out access to the development. Also provided was the agenda documentation from the December 2, 2008 TC meeting, which was considered for the final Town Council consensus, approved the Sawmill Place Preliminary Development Plan, with a right-in/right-out only access.

On January 2, 2014, Mr. Schlaefli stated in an e-mail that they plan to bring the project forward for final approvals including the signing of the Development Improvement Agreement this year (2014) so no further time extensions will be necessary. He noted the preliminary development costs and phasing information, the upfront cost to deliver the first developable lot far exceeds \$750,000.00. Any additional burden or requirement imposed on this project will render the project infeasible for them to build. The reason that he brings this issue up is because for last year's extension there was discussion of adding a requirement to provide additional access via an extension of Eagle Drive to Pike. Mr. Schlaefli stated that such a requirement would essentially render our project financially infeasible. Not only are there financial issues created by such a requirement but there are right-of-way issues also related to such a request. More specifically there are three parcels of land that would have to be acquired and two others that would have to

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Regular Scheduled Meeting Minutes**

January 14, 2014

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be modified to build such a road extension. This translates to another \$150,000.00 of potential costs. He therefore requested that the extension be for time only with no other new requirements beyond those already approved by the Town Council. In closing, he commented that the project relied on the previous approvals in moving forward with the final engineering.

Planning Director Dickhoff reported that the preliminary Plan was approved with only the right-in/right-out access to the property. Within the last two years, he has approached the applicant about extending Eagle Drive from Pike Drive east to the Development. A couple of meetings were arranged that included the property owner of the Bogey's Golf property, which currently has an access easement for a lot between the two developments. The Bogey's Golf property owner was willing to allow Sawmill Place to use the easement; however, Andrew Schlaefli claimed the development could not currently justify the expense of extending such a connecting access road. Ultimately, it is possible that property sales within the Sawmill Place development could be hindered due to the expectation that a "U-turn" is necessary to access the future businesses and residences. Dickhoff also reported that the Town staff has contacted CDOT for their comments regarding the status and thoughts on a new Access permit. CDOT has stated that any left hand turn movements would dictate major highway modifications to accommodate acceleration and deceleration lanes in the middle of the highway. Additionally, the Access Control Plan adopted by the Town, County and CDOT, expressly addresses limiting left turn movement intersections. Pike Drive is a difficult area of the highway due to the incline.

The Commission discussed the highway and surrounding property impacts that will be created from the increased planned residential and commercial usage and the limited highway access. The Commission questioned who has the responsibility to develop the frontage road – Pike to Eagle to the project and other properties. It was suggested that discussions continue to find solutions and funding to complete the frontage road so that a secondary access is created to minimize the impacts and hazards from increased future usage.

Motion made by Commissioner Parker, seconded by Commissioner Macz, and unanimously carried that the Planning Commission does not approve or deny the extension request due to the exit situation for Sawmill Place Development Preliminary Plan and further the Commission seeks that the Town Council review and provide instruction on how to move forward with the vehicular traffic issues and permit extension.

D. LUDC Home Occupation Signage Regulation: Planning Director Dickhoff reported that the Town's LUDC has some possible conflicting language regarding signs allowed in residential zoning districts and signage being prohibited for Home Occupations as outlined below:



**Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes**

January 14, 2014

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

1. Home Occupation LUDC section 4.3.B.4.d: *"There shall be no advertising devices on the property or other signs of the home occupation that are visible from off the premises."*
2. LUDC section 6.12.4.1.b.(v): *"In residential areas, no permanent sign of any type shall exceed twenty-four (24) square feet."*
3. LUDC table 4.1.4 designates limited allowable businesses in residential zone district; however, Home Occupations are only addressed in LUDC section 4.3.B, as an allowable use.

It would appear there may be an inconsistency in the LUDC, only allowing signage for some businesses in residential zoning districts. Staff has only recently identified the prohibition of signage for Home Occupations, thus has been allowing signs for Home occupations under the residential sign allowance of 24 sq. ft. maximum (LUDC 6.12.4.1.b.(v)).

Most residential business and home occupation signs are 5 - 6 sq. ft. in size and do not approach the maximum 24 sq. ft. size allowable. If the PC considers recommending to Town Council to allow Home Occupations signage, staff recommends the maximum size is limited to 5 - 6 sq. ft. in size for at least Home Occupations, if not for all businesses in residential zone districts. Fiscal Impact to the Town would only occur if the Town Council decided to revise the LUDC, which would require some legal fees and recordation of an Ordinance.

The Commission discussed the LUDC and objected to large signs in the residential district. Dickhoff clarified that business licenses are necessary and with home occupations the owner must reside in the residence. Home occupations are low impact. The Commission requested additional research and that staff provide a recommendation. It was also requested that staff photograph examples of existing signs to evaluate the size and impact of home occupation signage.

E. Update Official Town Zoning Map: Over the course of the last two years, Planning Director Dickhoff reported that a few re-zoning have been approved to the Town's Official Zoning Map. Additionally, a couple of ambiguous colors and lines were clarified. The new zoning map is posted and available in the office and posted on the Town's web page. Also, the County's Assessors office has updated the Parcel information and created a Town Zoning Layer on their online ARC GIS mapping program which will provide a good tool for looking up Town Zoning Districts. Staff provided the Commission members with new printed 11" x 17" maps.

VII. Design Review Board - None



**Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes**

January 14, 2014

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

VIII. Public Comment

A. Opportunity for the public to provide comments and to address the Commission on items not on the agenda – none received.

IX. Reports and Comments

A. **Town Manager** - Mitchem reported that Archuleta County approved the Pagosa Verde contract to install geothermal electric utility in Pagosa Springs. An application with the US Department of Energy for \$3.8 million is in process by Jerry Smith. The project will convert the geothermal water into electricity and be available for geothermal greenhouses. The project will be located on the Levine property – near Highway 84. The School of Mines will begin drilling in April or May and it is expected that the resources will be available this year in September.

B. **Planning Department Report** – Planning Director Dickhoff provided the following reports to the Commission:

PROJECTS MANAGER HAS SUBMITTED RESIGNATION - Keely Whittington has recently submitted her resignation stating other pending responsibilities that will prevent her from dedicating the necessary time to her position. The Town will be advertising to fill this position.

8TH STREET SIDEWALK -Landscaping between the sidewalk and the curb and gutter, which includes a dry creek rock feature and live landscaping islands, will be completed in the spring of 2014.

LOUCKES DITCH DIVERSION STRUCTURE INSTALLED AND FUNCTIONING - A new river diversion structure has been installed by the Town opposite of Centennial Park, to divert 1 cfs of San Juan River water into the irrigation ditch that feeds the wetlands west of Town Hall and the Community Center. The diversion structure was a previous commitment to ensure the "Conservation Easement Wetlands" are supplied with able water to ensure healthy wetland ecology.

6TH STREET RIVER WALK EXTENSION PROJECT - The signed contracts were received on September 30, 2013. After discussions with the contractor, Ross Lewis, and Davis Engineering, the project will begin spring 2014 with no more than a 5% projected cost increase to the existing contract which was awarded at \$109,008.80.

6TH STREET PEDESTRIAN BRIDGE GRANT - The 6th Street Pedestrian Bridge GOCO grant was not awarded. The town's application was 13 out of over 40 applications, and was 2 applications away from being funded. Town staff will reapply on March 5, 2014 for the pedestrian bridge GOCO grant. Staff is working with Davis Engineering to complete final design by the end of March, so that the project is shovel-ready in preparation for a funding award.



Planning Commission, Board of Adjustments & Design Review Board Regular Scheduled Meeting Minutes

January 14, 2014

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

TOWN TO PAGOSA LAKES TRAIL PROJECTS -

The East Phase is between 8th and 10th Street:

- Preliminary plans have been approved by CDOT.
- The right-of-way (ROW) plans are waiting title commitments for the property's which easements are needed.
- Once CDOT approves ROW plans, we can begin property acquisitions through the Federal Uniform Act.
- Final Plan CDOT review is anticipated in late February.
- Potential ad date for construction bids could be early June.
- Construction could begin in August 2014 and complete by the end of the 2014 construction season.
- The Library will replace an underground culvert this spring prior to our project. This will ensure the new trail is not affected.

The West Phase trail segment is between Village Drive and Aspen Village Drive:

- Surveying has been completed and ROW plans have been drafted, waiting on title commitments for needed easements and property easement acquisitions.
- Preliminary Plans anticipated being complete by end of March 2014, with CDOT review by end of April 2014.
- Once Preliminary plans are approved, final planning will proceed with anticipated CDOT review by the end of June 2014.
- Potential ad date for construction bids could be in July 2014 with construction starting in August 2014. It is a possibility this project will be deferred for construction in early 2015.

ELEMENTARY SCHOOL TRAFFIC ISSUES - Town staff has participated in a meeting to discuss a better traffic flow system to ensure vehicular traffic queuing to drop-off and pick-up students, does not block Hwy 160 traffic. In addition, CDOT will also provide input for solutions. The School implemented a revision to the traffic flow on January 6, 2014, which has substantially helped the queuing onto the highway, however, has not eliminated the queuing issue. Additional research is in process by the School District and CDOT and the Town will continue to monitor and assist to resolve the issue.

FLY OVER SURVEYING FOR TOPO MAPS NEEDED FOR FUTURE TRAIL AND OTHER TOWN

PROJECTS - Staff will be proposing to Town Council that we participate in a jointly funded Ariel Fly over project to create topo maps that will assist in the initial preliminary planning stages for trail and other town projects. This will be very beneficial in identify trail routes and coordinating easements in the early stages of future projects.

MAJESTIC DRIVE CMAQ PAVING PROJECT - 1200 lineal feet of Majestic Drive between Growing Spaces and Square Top Circle will be paved with CMAQ funds this summer. This project has been staged for 5 years and is anticipated to receive CDOT final plan approval in early 2014 and construction completion by the end of 2014.



Planning Commission, Board of Adjustments & Design Review Board Regular Scheduled Meeting Minutes

January 14, 2014

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

RESERVOIR HILL GAZEBO - Concrete foundation and floor is in process and erection of the structure will begin this week.

RECREATION CENTER - On December 12, 2013, the Town Council approved a request to allow a ballot measure to be added to the April election, regarding a possible one (1) cent sales tax increase within Town Boundaries, which would be used to construct and operate a Town owned Recreation Center. The advocates for the project will be creating ballot language for Town Council to approve.

MCCABE CREEK BRIDGE PROJECT - We have been working with CDOT over the last couple of years regarding the replacement of the failing McCabe Creek Culvert under Highway 160, just east of 6th Street.

The project design has been developing over the course of the last year, with the current project designed as a bridge project to replace the two 72" culverts under the Highway. As had been previously reported, these two culverts also run underneath the Antiques Store located at the SE corner of S. 6th Street and Hwy 160, and that the building will need to be removed to accommodate the bridge project. This new bridge design project will lower the current flood way and flood plain that currently flows over Hwy 160.

After recently learning about our GOCO grant application not being funded for the property acquisition, we had met with CDOT to alert them of the funding not being awarded and we plan to re-meet in the next couple of weeks to discuss options for acquiring the property.

CDOT has identified that the "Making Things Anew" building, will also need to be removed to accommodate the new inlet structure and a wider and deeper creek channel approaching the new inlet structure. CDOT has and will be contacting this and other adjacent property owners regarding construction easements and other possible land acquisitions needed for the project.

Construction of the project appears to be staged for mid - late 2015. As currently proposed, the estimated cost of the project is 1 million over the budgeted 3.8 million CDOT has allocated. Some possible cost savings may occur if the project is not phased (partial construction of west bound lanes and then construction of east bound lanes) by providing a detour around the affected area and closing the highway so the full project can be constructed at once. The cost savings of contractor re-mobilization and traffic control will be substantial. Project design is still in the process, and more details will be available soon.

Town staff has made some in roads with CDOT that will permit a bridge design to accommodate a future under highway pedestrian path, and ensuring the new open creek will not look like an industrial drainage facility. We are still working with CDOT to ensure the project is as aesthetically pleasing as possible.



**Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Minutes**

January 14, 2014

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

C. Planning Commission – Discussion was opened for non-agenda items: none suggested.

D. Upcoming Town Meeting Schedule is as follows:

Next Regular Scheduled Planning Commission Meeting:

~Tuesday, January 28, 2014 @ 5:15pm in Town Hall

~Tuesday, February 11, 2014 @ 5:15pm in Town Hall.

Next Regular Scheduled Historic Preservation Board Meeting:

~Wednesday, January 22, 2014 at 5:15pm, Work session, in Town Hall.

~Wednesday, February 12, 2014 at 5:15pm in Town Hall.

Next Regular Town Council Meetings:

~Thursday, January 23, 2014 at noon in Town Hall.

~Tuesday, February 4, 2014 at 5pm in Town Hall.

X. Adjournment- Upon motion duly made, the meeting adjourned at 6:45 PM.

Kathie Lattin, Planning Commission Chair